

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JOSEPH L. HOWARD, et al.,	:	
	:	
Plaintiffs,	:	Case No. 3:15cv00371
	:	
vs.	:	
	:	District Judge Walter Herbert Rice
CITY OF BEAVERCREEK, et al.,	:	Chief Magistrate Judge Sharon L. Ovington
	:	
Defendants.	:	

ORDER

This case is before the Court upon the Report and Recommendations (Doc. #4), Plaintiffs’ Objections to Dismissal (Doc. #5) and the record as a whole. Construing Plaintiffs’ pro se Objections liberally in their favor, it appears they are seeking to raise a claim under 42 U.S.C. §1983 by asserting “[t]his case falls under the 4th Amendment to the Constitution.” (Doc. #5, *PageID* at 35). The Court therefore construes Plaintiff’s Objections in their favor as a Motion to Amend their Complaint under Fed. R. Civ. P. 15(a).

The Court notes that although Plaintiffs’ Objections contend that their Complaint should not be dismissed under grounds of immunity, the Report and Recommendations did not address whether any Defendant is immune from suit. Instead, the Report focused on whether the factual allegations in the Complaint were specific enough to raise a plausible claim for relief.

IT IS THEREFORE ORDERED THAT:

1. The previously filed Report and Recommendations (Doc. #4) is withdrawn, and Plaintiff's Objection (Doc. #5) is denied as moot;
2. Plaintiffs shall file an Amended Complaint setting forth a short and plain statement of the facts that explains what each Defendant did to violate their constitutional rights, when and where those actions occurred, and the resulting injuries to each Plaintiff; and
3. Plaintiffs shall file their Amended Complaint **on or before November 30, 2015**. The Court will thereafter conduct an initial review as required by 28 U.S.C. §1915.

November 18, 2015

s/Sharon L. Ovington
Sharon L. Ovington
Chief United States Magistrate Judge